

AMENDED IN SENATE APRIL 27, 2009

**SENATE BILL**

**No. 742**

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**Introduced by Senator Romero**

February 27, 2009

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An act to add Article 5 (commencing with Section 52065) to Chapter 6.1 of Part 28 of Division 4 of Title 2 of the Education Code, relating to school accountability.

LEGISLATIVE COUNSEL'S DIGEST

SB 742, as amended, Romero. School accountability: lowest performing *public* schools.

(1) The Public Schools Accountability Act of 1999 requires the Superintendent of Public Instruction, with approval of the State Board of Education, to develop the Academic Performance Index (API), consisting of a variety of indicators, to be used to measure the performance of schools. Existing law requires the Superintendent to develop, and the state board to adopt, expected annual percentage growth targets for all schools based on their API baseline score and prescribes a minimum percentage growth target of 5% annually.

The act also establishes the Immediate Intervention/Underperforming Schools Program (IIUSP). Schools that score below the 50th percentile on certain achievement tests are invited to participate in the program and are provided program funding. Twenty-four months after receiving IIUSP funding, a school that fails to meet its growth targets each year, but demonstrates significant growth, as determined by the state board, continues to participate in the program for an additional year and to receive funding. If a school fails to meet its growth targets each year and does not demonstrate significant growth, it is deemed a

state-monitored school and the Superintendent is required to take specified actions with regard to the school.

~~This bill would require the state board, beginning in the 2010-11 school year, and each school year thereafter, to identify the 10 historically lowest performing schools in the state, based on the results of specified measures, including the API, and other criteria. The state board would be required to direct the identified schools to take at least one of 3 specified actions, including restructuring the internal operations of the school, reopening as a public charter school, or, to the extent that it is not otherwise prohibited under law, operating under the oversight of a nonprofit management company with which the state board has entered into a contract. The bill would include additional options for the state board to select from if the identified school is a charter school, including, but not limited to, directing the school to reopen under the management of a statewide benefit charter management organization based on a plan approved by the state board.~~

*This bill would establish an advisory committee to the Superintendent for the purpose of making recommendations to the state board on how to identify the 10 historically lowest performing public schools in the state, as specified. The bill would require the advisory committee to make these recommendations to the Superintendent by July 1, 2010. The Superintendent would be required to make recommendations to the state board by August 15, 2010, and the Superintendent and the state board would be required to jointly approve the criteria to be used in identifying the 10 historically lowest performing public schools in the state, as specified.*

*The bill would require the state board and the Superintendent, on or before November 1, 2010, and each year thereafter, to identify and update as appropriate a list of the 10 lowest performing public schools in the state. The bill would require the Superintendent, within 30 days of making this determination, to provide each employee and parent or guardian of a child enrolled or requesting to be enrolled in a school identified for or removed from the list a notice containing specified information.*

*The bill, contingent upon the availability of funding for these purposes, would require the Superintendent and the state board to direct each identified school to take at least one of 3 specified actions, including restructuring the internal operations of the school, operating the school under the oversight of a nonprofit management organization, as specified, or reopening as a public charter school, as specified. The*

*bill would include additional options for the Superintendent and state board to select from if the identified school is a charter school.*

Because this bill would require schools identified as the historically lowest performing *public* schools in the state to take specified actions, it would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Article 5 (commencing with Section 52065) is  
2 added to Chapter 6.1 of Part 28 of Division 4 of Title 2 of the  
3 Education Code, to read:

4  
5 Article 5. Accountability Measures for ~~Lowest Performing the~~  
6 *10 Historically Lowest Performing California Public Schools*  
7

8 ~~52065. (a) Beginning in the 2010–11 school year, and each~~  
9 ~~school year thereafter, the state board shall identify the 10~~  
10 ~~historically lowest performing schools in the state. The state board~~  
11 ~~shall base its determination on the results of the California~~  
12 ~~Standards Test, Academic Performance Index, adequate yearly~~  
13 ~~progress pursuant to the federal No Child Left Behind Act of 2001~~  
14 ~~(20 U.S.C. Sec. 6301 et seq.), dropout and graduation rates, and~~  
15 ~~any other measures the state board deems appropriate. The state~~  
16 ~~board, in the 2010–11 school year, and each school year thereafter,~~  
17 ~~shall direct the local educational agency responsible for each~~  
18 ~~identified school to do at least one of the following:~~

19 ~~(1) Restructure the internal operations of the school, including,~~  
20 ~~but not necessarily limited to, school leadership, certificated and~~  
21 ~~classified staff, and curriculum, based on a plan approved by the~~  
22 ~~state board.~~

~~(2) To the extent that it is not otherwise prohibited under law, operate the school under the oversight of a nonprofit management company with which the state board has entered into a contract.~~

~~(3) Reopen as a public charter school.~~

~~(b) If a school identified pursuant to subdivision (a) is a charter school, the state board, in the 2010–11 school year, and each school year thereafter, shall direct the local educational agency responsible for the identified charter school to do at least one of the following:~~

~~(1) Perform the actions specified in either paragraph (1) or (2) of subdivision (a).~~

~~(2) Reopen the school under the management of a statewide benefit charter management organization based on a plan approved by the state board.~~

~~(3) Facilitate a review of the school by the Superintendent pursuant to Section 47604.5 and facilitate the implementation of the appropriate action, if any, directed by the state board pursuant to any findings made pursuant to Section 47604.5.~~

~~SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.~~

~~52065. (a) There is hereby created an advisory committee to the Superintendent for the purpose of making recommendations to the state board on how to identify the 10 historically lowest performing public schools in the state.~~

~~(b) Members of the advisory committee shall serve without compensation and at the pleasure of their appointing body as follows:~~

~~(1) One member appointed by the Governor to serve as a cochair.~~

~~(2) One member appointed by the Superintendent to serve as a cochair.~~

~~(3) One member appointed by the President pro Tempore of the Senate.~~

~~(4) One member appointed by the Speaker of the Assembly.~~

~~(5) One member appointed by the largest association representing administrators in the state.~~

~~(6) One member appointed by the largest association representing parents in the state.~~

1 (7) One member appointed by the largest association  
2 representing certificated employees in the state.

3 (8) One member appointed by the second largest association  
4 representing certificated employees in the state.

5 (9) One member appointed by the largest local association  
6 representing certificated employees in the state.

7 (10) One member appointed by the largest association  
8 representing classified employees in the state.

9 (11) One member appointed by the largest association  
10 representing school boards in the state.

11 (12) One member appointed by the largest association  
12 representing charter schools in the state.

13 (c) (1) By July 1, 2010, the advisory committee shall make  
14 recommendations to the Superintendent regarding all of the  
15 following:

16 (A) The criteria the Superintendent and the state board should  
17 use to jointly identify public schools subject to the list required in  
18 Section 52066. In making recommendations regarding these  
19 criteria, the committee shall consider the results of the California  
20 Standards Test, the Academic Performance Index, adequate yearly  
21 progress pursuant to the federal Elementary and Secondary  
22 Education Act (20 U.S.C. Sec. 6301 et seq.), dropout and  
23 graduation rates, and any other objective measures it deems  
24 appropriate to recommend to the Superintendent.

25 (B) The conditions that must exist for a school to be removed  
26 from the list established pursuant to Section 52066.

27 (2) On or before August 15, 2010, the Superintendent shall make  
28 recommendations on the criteria and conditions described in  
29 paragraph (1) to the state board, and on or before October 1,  
30 2010, the Superintendent and the state board shall jointly approve  
31 these criteria and conditions.

32 SEC. 2. Section 52066 is added to the Education Code, to read:

33 52066. (a) On or before November 1, 2010, and each year  
34 thereafter, the state board and the Superintendent, using the  
35 criteria established pursuant to Section 52065, shall jointly identify  
36 and update as appropriate a list of the 10 historically lowest  
37 performing public schools in the state.

38 (b) Within 30 days of making the determination in subdivision  
39 (a), the Superintendent shall notify each local educational agency  
40 responsible for oversight of a public school that is identified and

1 *require the governing board to provide each employee and parent*  
2 *or guardian of a child enrolled or requesting to be enrolled in a*  
3 *school that was identified for or removed from the list described*  
4 *in subdivision (a) a notice from the Superintendent that shall*  
5 *include at least all of the following:*

6 *(1) The specific reasons why the school was identified for or*  
7 *removed from the list of the 10 historically lowest performing*  
8 *public schools.*

9 *(2) The latest copy of the school's accountability report card,*  
10 *schoolwide and subgroup results of the California Standards Test,*  
11 *the Academic Performance Index, adequate yearly progress*  
12 *findings pursuant to the federal Elementary and Secondary*  
13 *Education Act (20 U.S.C. Sec. 6301 et seq.), dropout and*  
14 *graduation rates, if applicable, and any other measures the*  
15 *Superintendent deems appropriate.*

16 *(3) Information regarding all state and federal intradistrict and*  
17 *interdistrict public school transfer options and publicly funded*  
18 *academic supplemental services available to pupils enrolled in*  
19 *the school.*

20 *SEC. 3. Section 52067 is added to the Education Code, to read:*

21 *52067. (a) Upon identifying a school pursuant to Section*  
22 *52066, the Superintendent and the state board shall direct the*  
23 *local educational agency responsible for each identified school to*  
24 *evaluate the reasons for the determination and initiate at least one*  
25 *of the following locally developed renewal efforts approved by the*  
26 *local educational agency in a public hearing and effective no later*  
27 *than the subsequent school year following the notification in*  
28 *Section 52066:*

29 *(1) To the extent not otherwise prohibited under law, restructure*  
30 *the internal operations of the school, which may include, but is*  
31 *not necessarily limited to, school leadership, certificated and*  
32 *classified staff, and curriculum, based on a plan jointly approved*  
33 *by the Superintendent and the state board.*

34 *(2) To the extent not otherwise prohibited under law, operate*  
35 *the school under the oversight of a nonprofit management*  
36 *organization with which the Superintendent and the state board*  
37 *have jointly entered into a contract.*

38 *(3) Reopen as a public charter school jointly approved by the*  
39 *local educational agency, the Superintendent, and the state board.*

1     ***(b) If a school identified pursuant to subdivision (a) of Section***  
2     ***52066 is a charter school, the Superintendent and the state board***  
3     ***shall jointly direct the local educational agency responsible for***  
4     ***oversight of the identified charter school to do at least one of the***  
5     ***following:***

6         ***(1) Perform the actions specified in either paragraph (1) or (2)***  
7         ***of subdivision (a).***

8         ***(2) Reopen the school under the management of a statewide***  
9         ***benefit charter management organization based on a plan approved***  
10        ***jointly by the Superintendent and the state board.***

11        ***(3) Facilitate a review of the school by the Superintendent***  
12        ***pursuant to Section 47604.5 and facilitate the implementation of***  
13        ***the appropriate action, if any, directed by the state board pursuant***  
14        ***to any findings made pursuant to Section 47604.5.***

15     ***(c) If the Director of Finance determines that sufficient federal***  
16     ***funds are not available to implement the renewal efforts pursuant***  
17     ***to this section for the budget year, the Director of Finance shall***  
18     ***notify the Superintendent and the state board, and within 45 days,***  
19     ***all of the following shall occur:***

20        ***(1) The Superintendent and the state board shall determine***  
21        ***whether any federal funding is available, and if so, shall determine***  
22        ***how that funding could be best allocated to facilitate renewal***  
23        ***efforts for the lowest performing schools on the list.***

24        ***(2) After making the determinations described in paragraph***  
25        ***(1), the Superintendent and the state board shall develop a budget***  
26        ***request for state funding to implement the remaining schools'***  
27        ***renewal efforts in priority order and submit the request to the***  
28        ***Department of Finance and the Legislature and notify these schools***  
29        ***that the Legislature is considering the request, but that the renewal***  
30        ***plans required by this section are recommended but not mandatory***  
31        ***until the Legislature acts on the budget request pursuant to***  
32        ***paragraph (3) of this subdivision.***

33        ***(3) If the Legislature makes additional funding available to***  
34        ***supplement any available federal funds for the implementation of***  
35        ***renewal efforts after considering and approving a budget request***  
36        ***submitted pursuant to paragraph (2), and designates specifically***  
37        ***which renewal efforts and for which of the remaining 10 schools***  
38        ***identified pursuant to subdivision (a) of Section 52066, the state***  
39        ***aid is available, the requirements of this section shall be***  
40        ***implemented for those schools in the budget year.***

1     *SEC. 4. If the Commission on State Mandates determines that*  
2     *this act contains costs mandated by the state, reimbursement to*  
3     *local agencies and school districts for those costs shall be made*  
4     *pursuant to Part 7 (commencing with Section 17500) of Division*  
5     *4 of Title 2 of the Government Code.*

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